

Election Observer Panel Plan

May 19, 2009 Statewide Special Election

I. County and System Information

1. Name of County: **Santa Clara County**
2. Name of Contact: **Elaine Larson, Assistant Registrar of Voters**
3. Contact's Phone: **(408) 282-3003**
4. Vendor and Voting Systems Used by County: **Sequoia Voting Systems:
DRE AVC Edge II and Optech 400-C Optical Scan**
5. Date: **April 6, 2009**

II. Purpose

The purpose of an Election Observer Panel is to:

1. Provide an avenue for public observation and input into the election process.
2. Assist in ensuring the integrity of the election process.
3. Encourage participation and build voter confidence in the election process.

III. Invite

Santa Clara County sends a letter of invitation to different members of the community including the Political Party Central Committees, the League of Women Voters, the Santa Clara County Voting Rights Advisory Committee, the Grand Jury and individuals to observe any of the election processes. For the May 19, 2009 Election, the letters were sent on March 30, 2009.

Attached is an example of the invitation letter (Attachment A).

Voting Machine Preparation (Pre-Lat): Members are invited to observe the voting systems logic and accuracy testing where the Registrar of Voters ensures the Direct Recording Electronics (DRE machines) and the 400-C Optical Scan System and machine scanners have been properly programmed and tested for the upcoming election.

Invited members are provided the dates of testing and asked to contact the ROV representative to confirm their attendance. This Logic and Accuracy Testing Board verifies the logic and accuracy of the test ballots pursuant to Elections Code Section 19205 and completes a "Certification by Logic and Accuracy Board" form with their signature and date verifying the accuracy of the testing.

Attached is an example of the "Certification by Logic and Accuracy Board" Form (Attachment B).

Canvass: Members are invited to view all aspects of the Canvass process, which includes the ability to ask questions of a Manager overseeing the task and to take notes of the process. The Registrar of Voters provides written observer guidelines; issues observer identification badges and escorts the observers during their visit in the office. The observers are provided specific guidelines of how they may not interfere, interrupt or delay the conduct of the Canvass.

Attached is an example of the Election Observer Guidelines (Attachment C).

Election Observer Panel Plan May 19, 2009 Statewide Special Election

Santa Clara County Observer Panel Plan for Special Statewide Election 5/19/09 Page 2

IV. Appointment Letters (for introduction to precinct workers)

Santa Clara County trains all election officers that any member of a Political Central Committee, community organizations, the media, and the general public are welcomed to visit a polling place to observe the election process. Therefore, we do not customarily provide a specific letter to the precinct inspectors. However, attached is an example of a letter sent to the GAO. (See Attachment D)

Election officers have been trained to cooperate with any reasonable request from observers as long as it does not impede with the processing of the voter. An observer may view the events at the polls including the opening and closing process, taking information from the precinct indices that are posted near the entrance, and seeing the copy of the Precinct Index being updated at the worktable (if the Election Officers are not using it and no voters are waiting to vote).

The election officers post an "Attention: Poll Watchers" sign" near the entrance of the polling place that serves as a guideline to observers while at the polling place. Instructions are also in the Election Officer Manual and the "What to do if" reference tool.

Attached is an example of the "Attention Poll Watchers" Poster (Attachment E)

V. Mechanism for Feedback

Santa Clara County welcomes feedback in any format. We often receive reports back from various organizations regarding their observations.

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 1147, San Jose, CA 95108
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FAX (408) 998-7314
www.sccvote.org



March 30, 2009

Steve Preminger
Chair, Democratic Central Committee
Union Resources
San Jose, CA 95125

Dear Mr. Preminger,

You or your representative is invited to observe in the May 19, 2009 Special Statewide Election processes, at the Registrar of Voters (ROV), 1555 Berger Drive, Building #2, San Jose, CA 95112. The following list provides the various election activities from which you may choose to observe. If you wish to observe a process, call Katy Kay (408) 282-3006 to confirm the actual date and time.

DRE Touch Screen Voting Machine Preparation and Testing

This is the loading of election data and comprehensive election logic and accuracy testing that ensures that each machine is securely programmed and prepared properly. Testing is comprised of nineteen (19) major sequential steps to ensure the integrity of the vote counting on Election Day. Testing will occur approximately April 28 through May 8, 2009, 8:30 AM to 4:00 PM. However, the testing schedule is subject to change. If you would like to observe, call Katy Kay (408) 282-3006 3-5 days ahead of the estimated beginning date to confirm the actual testing schedule. (408) 282-3006, and to reserve a space.

Optical Scan Pre-LAT (Logic and Accuracy Testing)

The optical scan system is tested prior to each election by using a pre-marked set of test ballots. Ballots test the computer system's ability to prevent over votes and account for under and invalid votes. Testing begins on approximately May 8, 2009, at 11:00 A.M. However, the testing schedule is subject to change. If you would like to observe, call Katy Kay (408) 282-3006 3-5 days ahead of the estimated beginning date to confirm the actual testing schedule, and to reserve a space.

Returned Vote by Mail Ballot Processing

In accordance with in accordance with California Elections Code, the ROV will begin to open and prepare for counting, returned Vote by Mail Ballot Envelopes on Friday, April 24, 2009, All



**Santa Clara County-Observer Panel Plan, Attachment A-Sample letter inviting observers
5-19-09 Special Statewide Election**

ballots received by 8:00 p.m.on Election Day in our office, from the post office, and from all polling places will be counted as soon as possible.

Election Night Ballot Receipt and Counting

The first election results reported are the Vote by Mail Ballots when the polls close at 8:00 pm. The ROV must then wait for the receiving of ballots from all polling places. DRE cartridges and optical scan ballots are delivered to the Return Centers and then are shuttled to the ROV for receipt and counting. The ROV also picks up mailed ballots at the San Jose and San Francisco post offices at 8:00 p.m. Election Night. The election results from the voting precincts are not reported until approximately 9:30 pm.

Elections results will be uploaded throughout the night to our website at www.sccvote.org. At the end of the night, the Semi-Official Election Results will be generated.

Post-Election Logic and Accuracy Testing and Official Canvass

Per California Election Code, Thursday, May 21, 2009, is the first official start of the the election canvass; however our county prefers to begin this process one day earlier, on Wednesday, May 20, 2009. The canvass process is open to the public and continues for at least 6 hours a day until completed. After completing this process, the election results are then certified by the Registrar of Voters and made public.

The canvass includes the inspection of all materials and supplies returned by the Election Officers, reconciling the number of signatures on Roster Indexes with the number of ballots recorded on the Official Ballot Statement to the votes actually tallied; processing and counting valid vote by mail and provisional ballots; counting valid write-in votes; and the 1% manual recount.

Observers are always welcome. If you wish to observe any or all of the processes, please contact Katy Kay, at (408) 282-3006 or by e-mail: katy.kay@rov.sccgov.org.

Sincerely,

Elaine Larson, Assistant Registrar of Voters

Attachment: Observer Instructions

ATTACHMENT A



ELECTION OBSERVER GUIDELINES:

Please read and follow these Election Observer Instructions. Violation of these instructions may result in an Observer being asked to leave the work area for the remainder of the day.

The California Election Code provides for the public, candidates, committees and parties to observe ballot counting, Vote by Mail, and Provisional Ballot verification (California Elections Code Sections: 19320 (Machine Preparation) 15104, 15204 and 15350). Additionally, the public is always welcome to observe our operation throughout the year in addition to the above election-specific processes, provided that:

- Observers **may not** disrupt the working environment of the Registrar of Voter's staff:
 - Keep all conversations to a minimum, at the lowest possible tone.
 - Keep at arms length from the staff at all times and never touch a staff member.
 - **May not** speak directly to staff. All questions and concerns must be addressed to the division manager, Assistant Registrar of Voters, or designated lead.
- Whenever possible persons or groups wishing to observe should contact our office at least 24 hours in advance. To avoid disrupting any election process, the Registrar of Voters may limit the number of observers..
- Observers must sign in and out with the department, daily, and wear department badges for security purposes, turning them in each day before leaving the ROV.
- Radios, cameras, tape recorders or recording devices of any type are not allowed.
- Observers may not use cell phones inside the department. Please set the ring on silent or turn off the phone. Department phones are not for public use.
- The Office of the Registrar of Voters is strictly non-partisan. Please avoid partisan comments and discussions while in the department.
- Observers cannot touch any paper ballot or electronic ballot (cartridge) .
- Observers cannot enter restricted areas unless accompanied by an election official, with appropriate security level.
- If an observer challenges a ballot, they are permitted to ask the staff to stop. The observer must then address their challenge to the division manager, the Assistant Registrar of Voters or designated lead..
- Challenging a ballot: "...because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made." (Elections Code 15106). **ATTACHMENT C**



County of Santa Clara

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 1147, San Jose, CA 95108
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FAX (408) 998-7314
www.sccvote.org



April 6, 2009

Santa Clara County Election Officers,

The Government Accountability Office (GAO) is conducting a study on voter accessibility on Election Day, May 19, 2009. I authorize employees of the GAO to conduct a short interview with the Precinct Inspector. If the Precinct Inspector is not available, the Election Officer in charge may be interviewed.

GAO staff will be observing the parking areas, route to the voting area, the voting area itself, and voting methods. The interview should not take more than ten (10) minutes to answer and the total visit by the GAO staff member should be completed in 30 to 45 minutes.

We appreciate your cooperation and have a wonderful Election Day.

Sincerely,

Elaine Larson
Assistant Registrar of Voters

ATTACHMENT D

